IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.40 OF 2001

IN

S.C.SUIT NO.3955 OF 1997

Vasanji Ramji Dharod @ Shah. ...Appellant.

vs.

1.Harish Rajaram Rajeshwari
and others. ...Respondents.

Mr.Palan i/b. M.K.Khatri & Co., for Appellant.

Mr.Prakash Mahadik, for Respondent no.1.

Mr.Vaibhav Singh i/b. N.P.Pandit, for Respondent no.2.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 9th August,2007.

P.C.:-

1. The learned Counsel appearing for original plaintiff who is appellant in the appeal states that the appellant wants to withdraw his suit. On a motion made by the learned Counsel appearing for plaintiff, the suit is permitted to be withdrawn. As a result of withdrawal of the suit, the order of the learned Single Judge dismissing the suit does not survive for consideration, which renders this appeal infructuous. Hence, the appeal is disposed of.

2. The learned Counsel appearing for appellant states that an amount of Rs.3000/- which was the cost imposed by the learned Single Judge by its judgment which is impugned in the appeal, will be paid to the respondent no.1 within a period of three weeks from today.

3. By consent of parties, the Receiver appointed during the pendency of the suit and the appeal, stands discharged without passing accounts.

4. The receiver shall permit the defendant no.1 to withdraw the amount which may be in deposit with the Receiver after deducting any expenses, that may have been incurred by the Receiver, from that amount.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)
